

ENTERED

November 02, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 6:20-CR-0046-1
	§	
JACOB ELI GARCIA	§	

**ORDER ADOPTING FINDINGS AND RECOMMENDATION ON PLEA OF
GUILTY AND ORDER ENTERING A FINDING OF GUILTY**

The defendant is charged in count one of the superseding indictment with knowingly and intentionally conspiring to possess with intent to distribute more than fifty (50) grams of methamphetamine, in violation of Title 21, United States Code, Section 846, 841(a)(1) and 841 (b)(1)(A). The defendant is charged in count nine of the superseding indictment with committing the offense of knowingly possessing in and affecting interstate and foreign commerce a firearm after having been previously convicted of a felony in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). Pursuant to the authority in Title 28, United States Code, Section 636(b)(3), this matter was referred to United States Magistrate Judge Jason B. Libby to conduct a guilty plea proceeding. All parties waived their right to appear before a District Judge and consented to have a Magistrate Judge conduct a guilty plea proceeding pursuant to FED. R. CRIM. P. 11.

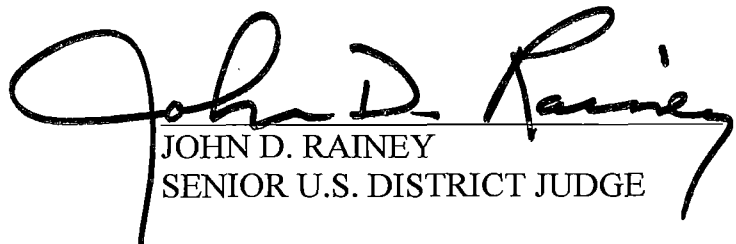
The defendant pleaded guilty before the Magistrate Judge who filed his findings and recommendation on the plea of guilty. The Magistrate Judge recommends that this

Court (1) adopt his findings that the guilty plea was knowingly and voluntarily entered with full understanding of the consequences and that the plea was supported by an adequate basis in fact; (2) accept the defendant's plea of guilty; and (3) enter a finding that the defendant is guilty of the offense charged.

More than fourteen days have passed, and no party has filed an objection to the Magistrate Judge's findings and recommendation. The Court regards such omission as the parties' agreement with and acceptance of the Magistrate Judge's findings. When no timely objection to the Magistrate Judge's findings and recommendation is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record to accept the Magistrate Judge's recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). The court finds no error.

Accordingly, the findings and recommendation of the Magistrate Judge are adopted. The Court accepts the defendant's plea of guilty and finds that the defendant is guilty as charged in count one and nine of the superseding indictment.

ORDERED this 2nd day of November, 2021.


JOHN D. RAINEY
SENIOR U.S. DISTRICT JUDGE